

# **Exhibit C**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF MARY ELLEN BARBIERI**

I, Mary Ellen Barbieri, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Affidavit are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was present in the lobby of One World Trade Center when the 9-11 terrorist attacks occurred.

4. On September 11, 2001, I was employed at Kramer & Devries, LLP. When the passenger jet flown by the terrorists crashed into the World Trade Center, I was inside the lobby of World Trade Center Tower One paying an expense for my employer.

5. While standing in the lobby, I heard a loud explosion and then the force of a blast from the nearby elevator catapulted me into the air. The force of the explosion tossed me several

feet in the air, and I landed on my head and lost consciousness. When I awoke, I could not move. A beam had landed on my back and I was pinned to the ground. My legs were numb and I required assistance to escape the building. I saw people running out of the elevator who were on fire. The people on either side of me were dead, and one deceased victim still had a briefcase in her hand. Her body had been cut in half. A female grabbed my arm and said, "I'll get you out." As she helped me to my feet, the floor trembled and we both fell a few times as we tried to pick each other up. We then crawled up the stairs to a door where a man with a radio told us to follow him. We then went down the stairs to the street. I heard popping sounds again, and as I looked up, I saw that the South Tower was also on fire. As the South Tower began to collapse, I ran back to my employer's office while covered in blood and dirt.

6. Because of the atrocities occurring in World Trade Center Tower One on September 11, 2001, I suffered the following traumatic physical injuries: head trauma, lumbar back sprain, cervical neck spinal injury that later required surgery, as well as left hand and bilateral knee injuries. Further, the multiple falls and impact to my head resulted in a concussion accompanied by fainting spells, headaches, and nausea. Due to my falls, I severely reinjured my left hand, which my doctors had surgically repaired a month prior to the World Trade Center terrorist attacks. Because I would lose consciousness during the above fainting spells, I also experienced several additional physical injuries after the 9-11 attacks, including a fractured finger, an injured right elbow, multiple head injuries, a fractured rib, and a shoulder joint injury. I suffered, and continue to suffer, from chronic knee pain, severe neck pain, headaches, chronic low back pain, leg pain, and diminished mobility.

7. After years of physical therapy and pain management for my cervical neck pain and lumbar pain, I underwent an anterior cervical corpectomy and fusion (ACCF) procedure of my

cervical spine in June of 2002. Since that time, I have continued to suffer from cervical neck pain, which I treat with pain medications under a doctor's supervision. I also continue to suffer from lumbar back pain, which I treat with pain medications and spinal injections in my lumbar spine. Over the years since 9-11, I have had to receive multiple steroid injections, epidurals, lumbar medical branch blocks, lumbar facet blocks and fluoroscopy guided radiofrequency medical nerve branch blocks to reduce the pain in my lumbar spine. I have also experienced a significant amount of urinary stress incontinence due to the pain medications that I am required to take.

8. Further, my doctors diagnosed me with sinusitis related to the debris and dust that I had inhaled years earlier due to 9-11. My chronic sinusitis also caused a fungal ear infection that affected my hearing. Lastly, due to my inhalation of jet fuel during the 9-11 attacks, my doctors have diagnosed me as having a deviated septum which will require surgery in the future.

9. Because of these terrorist attacks, I have been disabled and unable to work since September 11, 2001. Although I attempted to work at several law firms as a legal assistant after 9-11, I was unable to continue working at those positions due to my continuing physical pain and emotional distress.

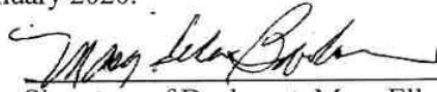
10. I suffered, and continue to suffer, from PTSD and severe emotional distress because of the World Trade Center terrorist attacks. My enjoyment of life has disintegrated as I suffered, and continue to suffer, from depression, insomnia, lightheadedness, shortness of breath, anxiety, heart palpitations, and nightmares. My PTSD has been so severe that my doctor, Dr. Albert Siewers, advocated for me to have a service dog to help me deal with my emotional distress. Since 2009, a succession of wonderful service dogs, including Kelly Kitty, Kindle, and now, Hannah, have assisted me with all aspects of daily living due to my ongoing PTSD.

11. Attached as Exhibit B to this Declaration are true and correct copies of my select relevant medical and psychiatric records related to the treatments that I have received because of the September 11, 2001 terrorist attacks.

12. I previously pursued a claim (Claim Number VCF 0015331) through the September 11<sup>th</sup> Victim Compensation Fund (VCF II) specifically related to my injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 5 day of January 2020.

A handwritten signature in cursive script, appearing to read "Mary Ellen Barbieri", written over a horizontal line.

Signature of Declarant, Mary Ellen Barbieri

# **Exhibits Filed Under Seal**